

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| <b>WENDELL LONG</b><br>Petitioner<br>v.<br><b>RAYMOND LAWLER</b><br><b>S.C.I. HUNTINGDON, et al.,</b><br>Defendant. | <b>CIVIL ACTION</b><br>No. 08-cv-1176<br><b>FILED</b><br>MAR 17 2008<br>CLARENCE KINZ, Clerk<br>U.S. District Court |
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**MEMORANDUM AND ORDER**

Article I, Section 9, Clause 2 of the United States Constitution, as well as The Antiterrorism and Effective Death Penalty Act of 1996 (commonly known as "AEDPA," and codified in relevant part as 28 U.S.C. §§2241-2266) deal with the right of all persons in state custody, or in federal custody, to file a petition in federal court seeking the issuance of a writ of habeas corpus. If such a writ of habeas corpus is issued by a federal court, the prisoner will be released from either state custody or federal custody (as the case may be) on the grounds that his rights guaranteed by the United States Constitution, or by federal law, or by a treaty entered into by the United States, have been violated.

Petitioner, Wendell Long, filed a petition in this court seeking Habeas Corpus relief pursuant to 28 U.S.C. §2254 on March 10, 2008. In this petition, Mr. Long alleges that he has suffered through inordinate delay relating to his claim that it has been more than a year since he filed a motion for DNA testing. The relief that Mr. Long seeks to remedy the alleged inordinate delay in granting DNA testing is not the type of relief that is available under the terms of 28 U.S.C. §2254 or habeas corpus law.

Accordingly, this 17th Day of March, 2008, it is hereby

**ORDERED** that petitioner is granted provisional leave to proceed in forma pauperis, for the purpose of this Order only, and, it is further

**ORDERED** that the instant civil action is **DISMISSED WITH PREJUDICE**, and, it is further

**ORDERED** that the Clerk shall mark this matter as **CLOSED** for all purposes, including statistics.

**BY THE COURT:**

  
MARVIN KATZ, S.J.